

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ERVIN MAKISHTI,	:	
a/k/a "Vinny"	:	20 Cr. 660 (ALC)
	:	
Defendant.	:	USDC SDNY
	:	DOCUMENT
	:	ELECTRONICALLY FILED
	:	DOC#:
-----	X	DATE FILED: <u>9-29-22</u>

WHEREAS, on or about December 7, 2020, ERVIN MAKISHTI, a/k/a "Vinny," (the "Defendant"), among others, was charged in three counts of an eleven-count Indictment, 20 Cr. 660 (ALC) (the "Indictment"), with racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d) (Count One); conspiracy to commit offenses against the United States: operation of illegal gambling businesses, in violation of Title 18, United States Code, Section 371 (Count Two); and conspiracy to commit offenses against the United States: transmission of wagering information, in violation of Title 18, United States Code, Section 371 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count Two of the Indictment;

WHEREAS, the Indictment also included a forfeiture allegation as to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of any and all property, real

or personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count Three of the Indictment;

WHEREAS, on or about September 29, 2022, the Defendant pled guilty to Counts Two and Three of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts Two and Three of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461 a sum of money equal to \$1,069,017 in United States currency, representing proceeds traceable to the commission of the offenses charged in Counts Two and Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,069,017 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts Two and Three of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendants Abduraman Iseni, Sokol Gjoni, Miralem Ljuljanovic, Jetmir Sulaj, Eldi Makishti, Enri Dimo, Darren Danzieri, Amir Becovic, Rafael Jacobs, Islam Lamce, Brajan Tola, Gazmend Lita, and Smail Djokic (the "Co-defendants"), to the extent forfeiture money judgments are entered against the Co-defendants in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts Two and Three of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States

Attorneys Samuel Raymond and David Felton, of counsel, and the Defendant and his counsel, Leo Duval, Esq., that:

1. As a result of the offenses charged in Counts Two and Three of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$1,069,017 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts Two and Three of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-defendants to the extent forfeiture money judgments are entered against the Co-defendants in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant ERVIN MAKISHTI and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By:   
\_\_\_\_\_  
SAMUEL RAYMOND  
DAVID FELTON  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-6519/2299

9-29-2022  
DATE

ERVIN MAKISHTI

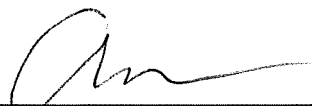
By:   
\_\_\_\_\_  
ERVIN MAKISHTI

9-29-22  
DATE

By:   
\_\_\_\_\_  
LEO DUVAL, ESQ.  
Attorney for Defendant  
885 Annadale Road  
Staten Island, NY 10312

9-29-22  
DATE

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

9/29/2022  
DATE